



May 17, 2023

Electronically Filed

Honorable Joanna Seybert
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Willie Junior Maxwell, II
21 Cr. 452 (JS)

Dear Judge Seybert,

This memorandum is submitted on behalf of Willie Junior Maxwell whose sentencing is currently scheduled for May 24, 2023 at 10:30 in the morning. For the reasons set forth below, it is respectfully asserted that a sentence of sixty months is the appropriate disposition in this case. In furtherance of this submission, attached are letters of support from Mr. Maxwell's friends and family. (Exhibit A)

Mr. Maxwell was arrested on October 28, 2021. On August 22, 2022, he pled guilty before the Honorable Steven I. Locke, to Count One of the two count Superseding Indictment. He was not named in Count Two. The lesser included Count to which Mr. Maxwell pled charges him with conspiring to distribute at least 500 grams of cocaine, in violation of Title 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(B). This carries a minimum term of imprisonment of five years. Mr. Maxwell accepts full responsibility for his crimes, but his conduct here does not and should not define him. As his friends and family have powerfully written, he is an extremely hard-working individual who has gone to extensive lengths to make certain that his children, extended family and community members are cared for. Given all the facts in this case, a sentence of five years is warranted.

I. Circumstances of Mr. Maxwell's Life

Mr. Maxwell was raised in an intact loving family environment. He is the second eldest of four children. His father was employed as a truck driver and his mother was a secretary at a church. Mr. Maxwell's parents worked hard to provide for their family, but they still found it difficult to make ends meet. While the family had the basic necessities, their living conditions were cramped and less than ideal.

The family lived in a low-income section of Paterson, New Jersey where drug use and criminal activity were prevalent. The violent crime rate in Paterson is one of the highest in the nation. According to *Neighborhood Scout* your chance of becoming a victim of violent crime is one in 135 in Paterson.¹ As a teenager Mr. Maxwell was robbed at gunpoint near his high school and pistol-whipped causing him to suffer a head injury. In addition, Mr. Maxwell recalls witnessing a street shooting in his neighborhood just steps from where he was walking.

From a very early age, Mr. Maxwell was taunted because of his physical appearance. As detailed in the Presentence Report (“PSR”), Mr. Maxwell was born with congenital glaucoma in both eyes. The condition was so severe that his left eye was removed prior to his first birthday. He used a glass eye throughout his childhood and underwent two additional surgeries at age 10 and 16 to reconstruct the bones in his face. (PSR ¶61) Mr. Maxwell was ridiculed throughout his childhood. The mockery he faced led to incessant bullying, constant physical altercations, depression, feelings of insecurity and constant anxiety that impacted his schooling. (PSR ¶43 & 66)

The public schools that Mr. Maxwell attended were considered the worst in the city. He was constantly made to feel that he was not good enough by both his classmates and elders in the community, including his teachers and school administrators. (PSR ¶59) He recalls being told by school officials that he would “never amount to anything.” This, coupled with the daily abuse he suffered at the hands of his peers and teachers, ultimately led to Mr. Maxwell dropping out of school in the tenth grade. He tried to enlist in the United States Marine Corps, but his eye condition disqualified him.

Rejected at every turn, Mr. Maxwell began sleeping in cars or at parks. During these years, he began using controlled substances and would sometimes appear at the family home because he was in need of a meal. (PSR ¶59) He also fathered several children in his late teens and early 20s and was unable to hold a job for an extended period of time. Overall, he was struggling to find his place in a city plagued with crime and drugs.

Inside Mr. Maxwell, however, there was a true work ethic that surfaced as he matured. In or about 2013, Mr. Maxwell devoted himself to music and began recording songs with two of his friends. The trio was known as *Remy Boyz*. Mr. Maxwell promoted the group through social media and by selling clothing that depicted the logo *Remy 1738 Boyz*. He also gave away compact discs to gain greater exposure. In 2014, Mr. Maxwell rose to fame as a solo artist under the name Fetty Wap when his song *Trap Queen* became an overnight sensation. Suddenly the kid from Paterson, New Jersey who was told he would never amount to anything was thrust into the national spotlight. He signed with a large record label known as 300 Entertainment and began touring the world. He appeared on national television and received prestigious awards in the music industry. He was collaborating with the world’s most famous musical artists and making enough money to support everyone in his circle. (PSR ¶76) And that is exactly what he did.

¹ <https://www.neighborhoodscout.com/nj/paterson/crime#description>

In 2015, Mr. Maxwell purchased a five-bedroom home for his family in Stockbridge, Georgia where parents still reside. He recalls how excited they all were when they moved into the house and had their first holiday. Mr. Maxwell was able to give his parents and siblings the home they never had in a neighborhood far away from the crime and drugs of Paterson, New Jersey. But that was just the beginning of his generosity. He paid the rent at his siblings' apartments, leases for family cars, tuition for higher education and financed the purchases of businesses so they could be gainfully employed. By all accounts, Mr. Maxwell was extremely generous with his time and money. Although he made enough money to purchase lavish items for himself, he did not. Rather, he spent his money supporting the people he loved and making certain that he was able to see them regularly.

But his generosity did not end with his parents and siblings. As reflected in the PSR, Mr. Maxwell was generous with all of his children as well. In total Mr. Maxwell has fathered nine children with seven different women. Remarkably, these women all report that he is a devoted father who provided financial support without question or hesitation. He never missed a birthday or a Christmas with any of his children and given their physical locations that was not a small accomplishment. Mr. Maxwell takes great pride in being able to support his children and the relationships he has developed with them. As reflected in the PSR, his children love him deeply and feel a tremendous void due to his absence.

As Mr. Maxwell became more comfortable in his own skin, he chose to share his experiences with others who faced the relentless bullying he endured in school. He provided a voice for those who needed him by visiting them at home, schools or hospitals to provide support. He also regularly donated his time and money to the Paterson community. (PSR ¶57) The very powerful letters written in support of Mr. Maxwell detail numerous acts of charity. They also detail the aversities he faced as a child. These letters are written by family members, work colleagues, neighbors and friends. As such they provide insight to who Mr. Maxwell is as a person and why he is deserving of the requested sentence.

II. Mr. Maxwell's Involvement in The Charged Case

In or about 2020, with the coming of the worldwide pandemic, things began to change for Mr. Maxwell. There were no opportunities to perform, thus his income was severely limited. He was sued personally, was going through a divorce, and was involved with a tour manager who was stealing from him. While the bills kept coming in, the money to pay them was running out.

At or about the same time, Mr. Maxwell lost his grandparents and several other people who were close to him. Depression and panic began to set in. As stated, Mr. Maxwell took enormous pride in his ability to provide for his children and lend support to his other family members. He is described as a people pleaser and a person who gains great satisfaction from taking care of others. Suddenly it felt like life was going in reverse and he became ashamed when he began to struggle to keep up the lifestyle that he created for so many. (PSR ¶55) His judgment became impaired. Desperate to keep up with his financial obligations, Mr. Maxwell became involved in the instant offense for a few months in the spring of 2020. There is no allegation that Mr. Maxwell possessed a firearm in connection with this case or that he was involved with any drug other than cocaine.

Prior to his arrest, but after his involvement in the charged conduct, Mr. Maxwell continued to suffer significant personal tragedies. In October of 2020, a person Mr. Maxwell viewed as a brother was shot and killed. He also experienced the loss of his four-year-old daughter in August of 2021. He began to drink heavily and was suffering from severe depression.

After his arrest Mr. Maxwell was released on bail on November 5, 2021. During his time on bail, Mr. Maxwell worked extremely hard to set money aside for his child support obligations. He realized that he would be serving a term of incarceration and he wanted to make certain that his children were provided for while he was away. He took any performance that his agent could book. The work was not glamorous. Travel to and from these events often involved all night road trips and the venues were not what they once were. That being said, Mr. Maxwell performed whenever he could and he put the money aside to provide for his children in his absence.

III. Conditions of Incarceration at MDC

In determining a suitable sentence for Mr. Maxwell, the Court can consider the conditions of his confinement. As an inmate at the MDC, Mr. Maxwell has been subjected to the harshest of conditions brought on as a result of institutional incompetence, corruption and the coronavirus pandemic.

The MDC, which opened in the early 1990s to alleviate crowding at the Metropolitan Correctional Center (“MCC”) in Manhattan, has a long and well documented history of problems, including a botched response to a weeklong power failure in the winter of 2019, and an associate warden charged with killing her husband. MDC has been unfit for human habitation for a long time and the conditions continue to deteriorate.

When the pandemic hit this country in March of 2020, the Bureau of Prisons (“BOP”) instituted a complete lockdown of its facilities. Inmates at all federal facilities were subjected to conditions of confinement far more punitive than the usual constraints of detention. Since the closing of the MCC in 2021, the MDC has been flooded with new inmates and the levels of crowding and violence have increased dramatically. Due to a lack of staffing and increased violence, lockdowns up to 23.5 hours a day are the norm and in-person and virtual counsel visits are regularly suspended. Moreover, the conditions of confinement that were brought on by the pandemic in large part continue.

Mr. Maxwell has been detained at the MDC since he was remanded on August 8, 2022. Given his fame, Mr. Maxwell’s time at the MDC has been particularly challenging. The prison has refused to put him in general population and has placed him in special housing with segregation. Although he has asked for months, they have refused to provide him with a CPAP machine for his sleep apnea. This has caused him unnecessary anxiety and stress. He is taunted by the guards on a daily basis with statements such as “you don’t look so tough in here” and “let’s go 1738 its time to perform.”² Although he has a spotless record, his belongings are constantly searched. No

² An apparent reference to Remy 1738 Boyz.

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contraband has ever been found. Counsel firmly believes that certain guards are taunting Mr. Maxwell with the hope that he will retaliate. The maturity and mental resolve Mr. Maxwell has demonstrated in the face of this behavior has been extraordinary.

IV. The Application of the Sentencing Guidelines

Mr. Maxwell has pled guilty to a conspiracy to distribute at least 500 grams of cocaine, in violation of 21 U.S.C. §841 (b)(1)(B). This crime carries a minimum term of imprisonment of five years. He was not charged in Count Two, the Use of Firearms in Connection with a Drug Trafficking Crime.

The Guideline calculation stipulated to by the parties calls for a range of incarceration of 87-108 months. This is based upon a Total Offense Level of 29 and a Criminal History Category of I. The Probation Department has arrived at the same calculation, and has recommended a sentence of 72 months.

Notably, co-defendant Anthony Cyntje was sentenced by the Court to a term of imprisonment of 72 months. Cyntje was a corrections officer employed by the New Jersey Department of Corrections. He acted as a courier in this case. At the time of his arrest, he possessed a loaded firearm, which was his service weapon, as well as his New Jersey Department of Correction badge and credentials. Cyntje admitted to law enforcement that he intended to use his credentials and position as a correction officer to facilitate his participation in the crime and avoid responsibility.

Cyntje pled guilty to Count One, Conspiracy to Distribute Controlled Substances, and Count Two, Possession of a Firearm in Connection with a Drug Trafficking Crime. As part of his plea agreement, Cyntje stipulated to a Guideline range of 147-168 months. The Probation Department, however, determined that his Guideline range of imprisonment was 106-117 months.

Cyntje's mandatory minimum, and effective Guideline range, for Count Two was 60 months' imprisonment. As the Court imposed a total sentence of 72 months, it can be concluded that Cyntje received a sentence of 12 months for his participation in the narcotics conspiracy charged in Count One.

Mr. Maxwell has also pled guilty to Count One, but faces a statutory five-year mandatory minimum. In fashioning the appropriate sentence, that Court can consider the disparity of the sentences imposed upon the defendants for the same count.

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V. Conclusion

Mr. Maxwell acknowledges the seriousness of his crime and the impact it has had on the people he loves. Three years has passed since this crime was committed and Mr. Maxwell realizes the terrible mistake he made. He is truly sorry for the loss and hurt he has caused.

What makes this case unusual is Mr. Maxwell's motivation. Personal gain was not his motivation. Rather, he was motivated by his commitment to financially support others. He now realizes that he does not have to carry the weight of the world on his shoulders. He has grown and learned from his mistake. His family has seen Mr. Maxwell mature and become more self-aware in the past several months without the distractions that weighed on him previously. They are convinced he will do things differently upon his release. (PSR ¶59) Given the tremendous amount of support he has, and his determination to do better, Mr. Maxwell is not at risk for recidivism.

For the foregoing reasons, it is respectfully requested that this Court sentence Mr. Maxwell to five years of incarceration, the mandatory minimum sentence allowable by law in this case.

I thank Your Honor for her consideration in this matter.

Respectfully submitted,

Elizabeth E. Macedonio
Elizabeth E. Macedonio
Counsel for the Defendant
Willie Junior Maxwell, II